

*[As Amended by Senate Committee of the Whole]*

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*Session of 2010*

## SENATE BILL No. 385

By Committee on Ways and Means

1-19

12 AN ACT ~~concerning school districts, enacting the temporary education~~  
13 ~~economic recovery act~~ **concerning fire safety and fire prevention;**  
14 **relating to school buildings; amending K.S.A. 2009 Supp. 31-150**  
15 **and repealing the existing section.**  
16

17 *Be it enacted by the Legislature of the State of Kansas:*

18 ~~Section 1. (a) The provisions of this act shall be known and may be~~  
19 ~~cited as the temporary education economic recovery act.~~

20 ~~—(b) As used in this section:~~

21 ~~—(1) “TEERA” means the temporary education economic recovery act.~~

22 ~~—(2) “Taxable tangible property” means any real or personal property~~  
23 ~~in the district including motor vehicles and state-assessed property.~~

24 ~~—(c) The provisions of TEERA shall apply in any school year in which~~  
25 ~~the amount of base state aid per pupil is \$4,433 or less.~~

26 ~~—(d) In any school year in which TEERA applies, the maximum au-~~  
27 ~~thorized local option budget of a school district shall be determined by~~  
28 ~~the state board as provided by this subsection. The state board shall:~~

29 ~~—(1) Determine the full-time equivalent enrollment of the district;~~

30 ~~—(2) subtract the amount of the base state aid in the current school~~  
31 ~~year from \$4,433;~~

32 ~~—(3) multiply the number determined under (1) by the difference ob-~~  
33 ~~tained under (2);~~

34 ~~—(4) add the product obtained under (3) to the maximum authorized~~  
35 ~~local option budget of the district as determined under K.S.A. 72-6433~~  
36 ~~or K.S.A. 2009 Supp. 72-6433d, and amendments thereto. The sum is the~~  
37 ~~maximum authorized local option budget of the district in any school year~~  
38 ~~in which TEERA applies.~~

39 ~~—(e) (1) In any school year in which TEERA applies, the board of each~~  
40 ~~school district that has adopted a local option budget may levy an ad~~  
41 ~~valorem tax on the taxable tangible property of the district for the purpose~~  
42 ~~of: (A) Financing that portion of the district’s local option budget which~~  
43 ~~is not financed from any other source provided by law, (B) paying a por-~~

1 tion of the principal and interest on bonds issued by cities under authority  
2 of K.S.A. 12-1774, and amendments thereto, for the financing of rede-  
3 velopment projects upon property located within the district, and (C)  
4 funding transfers to the capital improvement fund of the district and the  
5 capital outlay fund of the district if such transfers are specified in the  
6 resolution authorizing the adoption of a local option budget in excess of  
7 25% of state financial aid determined for the current school year.

8 —(2) The proceeds from the tax levied by a district under authority of  
9 this section, except the proceeds of such tax levied for the purpose of  
10 paying a portion of the principal and interest on bonds issued by cities  
11 under authority of K.S.A. 12-1774, and amendments thereto, for the fi-  
12 nancing of redevelopment projects upon property located within the dis-  
13 trict, shall be deposited in the supplemental general fund of the district.

14 —(f) In any school year in which TEERA applies, each school district  
15 that has adopted a local option budget is eligible to receive an amount of  
16 supplemental general state aid as determined by the state board under  
17 K.S.A. 72-6434, and amendments thereto, and K.S.A. 2009 Supp. 72-  
18 6434b, and amendments thereto, if applicable.

19 —(g) The authority granted under TEERA shall be in addition to the  
20 authority granted under K.S.A. 2009 Supp. 72-6433d, and amendments  
21 thereto.

22 —(h) The provisions of subsections (a)(1) and (c) of K.S.A. 72-6433,  
23 and amendments thereto, shall not apply in any school year in which  
24 TEERA applies. To the extent that the provisions of K.S.A. 72-6433, and  
25 amendments thereto, conflict with this section, this section shall control.

26 —(i) No district shall proceed under K.S.A. 79-1964, 79-1964a or 79-  
27 1964b, and amendments to such sections.

28 **Section 1. K.S.A. 2009 Supp. 31-150 is hereby amended to read**  
29 **as follows: 31-150. (a) Except as otherwise provided in this section,**  
30 **the construction[, reconstruction or renovation] of school buildings**  
31 **shall comply with the requirements of the 2000 edition of the inter-**  
32 **national building code as published by the international codes**  
33 **council. All electric wiring shall conform to requirements of the**  
34 **1999 issue of the national electric code of the national fire protec-**  
35 **tion association.**

36 **(b) The construction[, reconstruction or renovation] of mobile,**  
37 **modular, portable or relocatable school buildings shall conform to**  
38 **the requirements of the 2000 edition of the life safety code as pub-**  
39 **lished by the national fire protection association.**

40 **(c) The construction[, reconstruction or renovation] of all**  
41 **school buildings shall conform to the provisions for making build-**  
42 **ings and facilities accessible to, and usable by, persons with a dis-**  
43 **ability, as required by K.S.A. 58-1301 through 58-1311, and amend-**

1 *ments thereto.*

2 *(d) No contract shall be let for the construction[, reconstruction*  
3 *or renovation] of any school building, and it shall be illegal to pay*  
4 *out any public funds for the construction[, reconstruction or ren-*  
5 *ovation] of a school building ~~until~~ unless the plans for such building*  
6 *shall: (1) bear the seal of an architect or a professional engineer*  
7 *licensed by the state board of technical professions of the state of*  
8 *Kansas certifying that the plans meet the applicable requirements*  
9 *of this act; and (2) be submitted to the state board of education for*  
10 *approval as to compliance with such requirements.*

11 *(e) The provisions of subsections (c) and (d) of this section shall*  
12 *not apply to any building or structure operated or used for any*  
13 *purpose by, or located upon the land of any community college, area*  
14 *vocational school, ~~area vocational technical school,~~ technical college,*  
15 *municipal university, institution under the governance of the state*  
16 *board of regents or other institutions of post secondary education*  
17 *as defined by K.S.A. 74-3249, and amendments thereto. Prior to*  
18 *construction of ~~any new building or remodeling of any existing~~*  
19 *~~building~~[, reconstruction or renovation of a building or structure],*  
20 *all community colleges, area vocational schools, area vocational tech-*  
21 *nical schools, technical colleges, any municipal university, institu-*  
22 *tions under the governance of the state board of regents or other*  
23 *institutions of post secondary education as defined by K.S.A. 74-*  
24 *3249, and amendments thereto, shall submit to the state fire mar-*  
25 *shal a code footprint for evaluation and approval of the fire/life*  
26 *safety features of such ~~buildings~~ [building or structure].*

27 *(f) The relocation of school buildings to which the provisions of*  
28 *subsection (b) apply shall not be construed to be construction or*  
29 *reconstruction under the provisions, or for the purposes, of this*  
30 *section.*

31 ~~*(g) The construction or reconstruction of a school building, whether*~~  
32 ~~*funded by bonds or other moneys, in a school district where general*~~  
33 ~~*obligation bonds were authorized to be issued by a vote of the electors*~~  
34 ~~*in an election held on or before July 1, 2000, shall be governed by the*~~  
35 ~~*provisions of this section that were in effect on January 1, 2004.*~~

36 ~~*The provisions of this subsection shall expire on July 1, 2006.*~~

37 ~~*(h) (g) The state fire marshal shall adopt rules and regulations*~~  
38 ~~*specifying those subsequent editions of the codes enumerated in*~~  
39 ~~*subsections (a) and (b) which the state fire marshal has determined*~~  
40 ~~*provide protection equivalent to those editions specified herein.*~~  
41 ~~*Compliance with any subsequent edition specified by such rules*~~  
42 ~~*and regulations shall be considered compliance with the edition of*~~  
43 ~~*the code specified by this section.*~~

- 1     **Sec. 2. K.S.A. 2009 Supp. 31-150 is hereby repealed.**
- 2     Sec. ~~2~~ **3.** This act shall take effect and be in force from and after its
- 3     publication in the ~~Kansas register~~ **statute book.**